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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**KARL ERIK MAY  
401 3rd Street  
San Francisco, CA 94107**

**Registered Nurse License No. 641986**

RESPONDENT

Case No. 2013-185

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about September 13, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-185 against Karl Erik May (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 2, 2004, the Board of Registered Nursing (Board) issued Registered Nurse License No. 641986 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

3. On or about September 13, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-185, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

401 3rd Street

San Francisco, CA 94107.

1       4.     Service of the Accusation was effective as a matter of law under the provisions of  
2     Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3     124.

4       5.     On or about September 24, 2012, the signed Certified Mail Receipt was returned to  
5     our office indicating a delivery date of September 17, 2012.

6       6.     Business and Professions Code section 2764 states:

7             The lapsing or suspension of a license by operation of law or by order or decision of  
8     the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
9     the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
10    against such license, or to render a decision suspending or revoking such license.

11      7.     Government Code section 11506 states, in pertinent part:

12            (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
13    notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
14    not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
15    right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16      8.     Respondent failed to file a Notice of Defense within 15 days after service of  
17    the Accusation upon him, and therefore waived his right to a hearing on the merits of Accusation  
18    No. 2013-185.

19      9.     California Government Code section 11520 states, in pertinent part:

20            (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
21    agency may take action based upon the respondent's express admissions or upon other evidence  
22    and affidavits may be used as evidence without any notice to respondent.

23      10.    Pursuant to its authority under Government Code section 11520, the Board after  
24    having reviewed the proof of service dated September 13, 2012, signed by Brent Farrand, finds  
25    Respondent is in default. The Board will take action without further hearing and, based on  
26    Accusation No. 2013-185 and the documents contained in Default Decision Investigatory  
27    Evidence Packet in this matter which includes:

28        //

- 1 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-185,  
2 Statement to Respondent, Notice of Defense (two blank copies), Request  
3 for Discovery and Discovery Statutes (Government Code sections  
4 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail  
5 receipt or copy of returned mail envelopes;  
6 Exhibit 2: License History Certification for Karl Erik May, Registered Nurse License  
7 No. 641986;  
8 Exhibit 3: Court and Arrest Records;  
9 Exhibit 4: Affidavit of Kami Pratab;  
10 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of  
11 Case No. 2013-185.

12 The Board finds that the charges and allegations in Accusation No. 2013-185 are separately and  
13 severally true and correct by clear and convincing evidence.

14 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by  
15 the Office of the Attorney General contained in the Default Decision Investigatory Evidence  
16 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that  
17 the reasonable costs for Investigation and Enforcement in connection with the Accusation are  
18 \$1,595.00 as of October 30, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Karl Erik May has subjected his following license(s) to discipline:

a. Registered Nurse License No. 641986

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.

b. Violation of Business and Professions Code section 2762(b) - Use of controlled substance or alcohol to an extent or in a manner dangerous or injurious to oneself and others.

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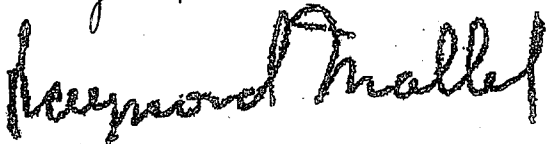
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 641986, heretofore issued to Respondent Karl Erik May, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 15, 2013.

It is so ORDERED January 16, 2013



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2013-185

# Exhibit A

Accusation No. 2013-185

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2013-185**

11 **KARL ERIK MAY**  
12 **401 3rd Street**  
13 **San Francisco, CA 94107**

**A C C U S A T I O N**

14 **Registered Nurse License No. 641986**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 2, 2004, the Board of Registered Nursing issued Registered  
23 Nurse License Number 641986 to Karl Erik May (Respondent). The Registered Nurse License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 October 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
4 that the Board may discipline any licensee, including a licensee holding a temporary or an  
5 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
6 Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
9 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
10 Code, the Board may renew an expired license at any time within eight years after the expiration.

11 6. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an  
13 application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct. . ."

15 7. Section 2762 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this  
17 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
18 chapter to do any of the following:

19 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licensee found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 9. Respondent is subject to disciplinary action under section 2762(b) of the code in that  
4 Respondent consumed alcohol to an extent or in a manner that was dangerous or injurious to  
5 himself, others, and/or the public. On or about July 26, 2011, Respondent consumed alcohol in  
6 excess. Respondent drank to the point of passing out. Respondent was arrested due to his level  
7 of intoxication. Respondent was unable to recognize the police and needed assistance to walk.

8 SECOND CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 10. Respondent is subject to disciplinary action under section 2761(a) of the code in that  
11 Respondent was involved in unprofessional conduct. The circumstances are described in  
12 paragraph 9, above.

13 DISCIPLINE CONSIDERATIONS

14 11. To determine the degree of discipline, if any, to be imposed upon Respondent,  
15 Complainant alleges that Respondent has a history of alcohol and drug abuse. Respondent has  
16 drug related convictions and past discipline as follows:

17 a. On or about April 10, 1987, Board of Vocational Nursing and Psychiatric Technicians  
18 revoked Respondent's Vocational Nursing license. Respondent diverted Demerol from his  
19 employer, Brookside Hospital. Respondent was originally placed on probation with the Board of  
20 Vocational Nursing and Psychiatric Technicians. However, Respondent did not comply with the  
21 terms and condition of probation and the revocation was imposed.

22 b. On or about May 27, 1983, In Contra Costa County Municipal Court Case No. 11173,  
23 Respondent was convicted of violating Health and Safety Code section 11173 (Obtaining  
24 controlled Substances by Fraud).

25 c. In or about 1985 Respondent was convicted of a felony marijuana related offense.  
26 Respondent sold marijuana to a police department.

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1 d. In or about November 1997, In Los Angeles County Municipal Court Case No.  
2 7SB08459, Respondent was convicted of violating Penal Code section 372, maintaining a public  
3 nuisance.

4 e. Respondent informed the Board that his "misdemeanors involved marijuana..."

5 PRAYER


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 641986, issued to Karl  
9 Erik May;

10 2. Ordering Karl Erik May to pay the Board of Registered Nursing the reasonable costs  
11 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
12 section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.  
14  
15

16 DATED: September 13, 2012

17 *for*   
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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